

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MLC INTELLECTUAL PROPERTY, LLC,

Plaintiff,

v.

MICRON TECHNOLOGY, INC.,

Defendant.

Case No. [14-cv-03657-SI](#)

**ORDER DENYING MICRON'S
TECHNICAL DAUBERT MOTION RE:
DR. LEE**

Re: Dkt. No. 427

On June 6, 2019, the Court held a hearing on Micron's *Daubert* motion to exclude Dr. Lee's testimony. Micron seeks to preclude (1) Dr. Lee's infringement analysis of claim terms governed by 35 U.S.C. § 112(6) on the ground that it is purely functional; (2) Dr. Lee's infringement analysis of the "selecting" claim term because it fails to apply the Court's claim construction by not addressing the role of resistor ladders in Micron's products; and (3) Dr. Lee's opinion about the technical value of the '571 patent.

The Court DENIES Micron's motion and finds that Micron's objections to Dr. Lee's infringement and valuation analyses go to the weight and not the admissibility of Dr. Lee's opinions, and that Micron can explore these issues through cross-examination and its own technical expert, Mr. McAlexander. *See Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579, 596 (1993) ("Vigorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof are the traditional and appropriate means of attacking shaky but admissible evidence."). In addition, the Court concludes that Dr. Lee's "selecting" analysis does not conflict with the Court's claim construction. Dr. Lee's opinion that circuitry other than the resistor ladder performs the "selecting" function is not inconsistent with the Court's claim construction. There is a fundamental factual dispute between the parties regarding the role and significance of Micron's resistor ladder, and

1 Micron can cross-examine Dr. Lee about his conclusion that the resistor ladder is irrelevant to the
2 selecting process.¹

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4 **IT IS SO ORDERED.**

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6 Dated: July 3, 2019



SUSAN ILLSTON
United States District Judge

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¹ The Court notes that Micron has filed a motion in limine directed at Dr. Lee's testimony as it relates to the resistor ladder in Micron's products. Dkt. No. 627. The Court will address the issues raised in that motion in the final pretrial order.